

IC 31-33-17

Chapter 17. Child Abuse Registry

IC 31-33-17-0.5

"Child care provider" defined

Sec. 0.5. As used in this chapter, "child care provider" means a person who provides child care (as defined in IC 12-7-2-28.2) regardless of whether the person is required to be licensed or registered under IC 12-17.2-5.

As added by P.L.36-2001, SEC.2.

IC 31-33-17-1

Establishment and purpose

Sec. 1. The division of family and children shall establish and maintain a centralized, computerized child abuse registry for the purpose of organizing and accessing data regarding substantiated reports of child abuse and neglect described under section 2 of this chapter that the division of family and children receives from throughout Indiana under this article.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-2

Entry of substantiated reports

Sec. 2. The division of family and children shall enter a substantiated report into the registry only if at least one (1) of the following applies:

- (1) An arrest of the alleged perpetrator of the child abuse or neglect is made.
- (2) Criminal charges are filed in state or federal court against the alleged perpetrator of the child abuse or neglect.
- (3) A court determines that a child is a child in need of services based on a report of child abuse or neglect.
- (4) A court approves a program of informal adjustment relating to the child abuse or neglect report under IC 31-34-8.
- (5) A person does not substantially comply with the terms of a services referral agreement under IC 31-33-13.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-3

Entry of unsubstantiated reports prohibited

Sec. 3. The division of family and children may not enter an unsubstantiated report into the registry.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-4

Format of data

Sec. 4. The division of family and children shall store data regarding the child abuse or neglect reports in a manner so that the data is accessible under the following if known:

- (1) The child's name.

- (2) The child's date of birth.
- (3) The alleged perpetrator's name.
- (4) The child's mother's name.
- (5) The child's father's name.
- (6) The name of a sibling of the child.
- (7) The name of the child's guardian or custodian if applicable.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-5

Rules ensuring confidentiality and access to reports

Sec. 5. The division of family and children shall adopt rules under IC 4-22-2 for the purpose of ensuring that the confidentiality and access to reports of child abuse or neglect are maintained as provided in this chapter.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-6

Access to information

Sec. 6. Upon request, a person or an organization may have access to information contained in the registry as follows:

- (1) A law enforcement agency or local child protective service may have access to a substantiated report.
- (2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.
- (3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:
 - (A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.
 - (B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.
 - (C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.
- (4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:
 - (A) the person who reports the alleged child abuse or

neglect; and

(B) any other appropriate person.

(5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

(7) The division of family and children may use the following information contained in the registry regarding an individual described in IC 12-17.2-3.5-4.1(a) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The division of family and children may not disclose information used in connection with the division's activities under this subdivision.

As added by P.L.1-1997, SEC.16. Amended by P.L.36-2001, SEC.3; P.L.109-2002, SEC.13; P.L.18-2003, SEC.33.

IC 31-33-17-7

Administration of registry and automated child protection system

Sec. 7. The division of family and children shall administer the registry and each local child protection service shall administer the automated child protection system under IC 31-33-20 in a manner that enables the division of family and children or each local child protection service to do the following:

(1) Immediately identify and locate prior reports of child abuse

or neglect through the use of the division of family and children's computerized tracking system and the local child protection service's automated risk assessment system.

(2) Track steps in the investigative process to ensure compliance with all requirements for a report of child abuse and neglect.

(3) Maintain and produce aggregate statistical reports monitoring patterns of child abuse and neglect that the division of family and children shall make available to the public upon request.

(4) Serve as a resource for the evaluation, management, and planning of preventative and remedial services to children who have been subject to child abuse or neglect.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-8

Notice of entry of report; request for administrative hearing by alleged perpetrator

Sec. 8. (a) This section does not apply to substantiated cases if a court determines that a child is a child in need of services based on a report of child abuse or neglect that names the alleged perpetrator as the individual who committed the alleged child abuse or neglect.

(b) Not later than thirty (30) days after the division of family and children enters a substantiated child abuse or neglect report into the registry, the division of family and children shall notify:

(1) the parent, guardian, or custodian of the child who is named in the report as the victim of the child abuse or neglect; and

(2) the alleged perpetrator, if other than the child's parent, guardian, or custodian, named in the report under IC 31-33-5-4; that the division of family and children has entered the report into the registry.

(c) The division of family and children shall state the following in a notice to an alleged perpetrator of a substantiated report under subsection (b):

(1) The report has been classified as substantiated.

(2) The alleged perpetrator may request that a substantiated report be amended or expunged at an administrative hearing if the alleged perpetrator does not agree with the classification of the report unless a court is in the process of making a determination described in IC 31-33-19.

(3) The alleged perpetrator's request for an administrative hearing to contest the classification of a substantiated report must be received by the division of family and children not more than thirty (30) days after the alleged perpetrator receives the notice.

(d) If the alleged perpetrator fails to request an administrative hearing within the time specified in subsection (c)(3), the alleged perpetrator named in a substantiated report may request an administrative hearing to contest the classification of the report if the alleged perpetrator demonstrates that the failure to request an

administrative hearing was due to excusable neglect or fraud. The Indiana Rules of Civil Procedure provide the standard for excusable neglect or fraud.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-9

Duties of Indiana criminal justice institute

Sec. 9. The Indiana criminal justice institute shall do the following:

- (1) Coordinate training for persons who operate the registry under this chapter.
- (2) Ensure that a representative from each of the following conducts part of the training:
 - (A) A law enforcement agency.
 - (B) An office of the county prosecuting attorney.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-10

Notice of name change

Sec. 10. (a) Whenever a court grants a name change under IC 34-28-2 (or IC 34-4-6 before its repeal) to a person:

- (1) against whom an allegation of child abuse or neglect has been substantiated; and
- (2) whose name is maintained within the registry in accordance with this chapter;

the person must notify the division of family and children regarding the name change not more than ten (10) business days after the court enters a decree changing the person's name.

(b) The notice must include a copy of the decree of the court that changes the name of the person, certified under the seal of the clerk of court.

As added by P.L.1-1997, SEC.16. Amended by P.L.1-1998, SEC.168.